

REMARKS

Initially, in the Office Action dated April 2, 2004, the Examiner rejects claims 1-3, 23, 25, 27-30, 49-54 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2002/0160765 (Okajima) in view of U.S. Patent No. 6,023,620 (Hansson). Claims 4-15 and 31-42 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Okajima in view of Hansson and U.S. Patent No. 6,463,142 (Kilp). Claims 16, 18, 20, 43, 45 and 47 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Okajima in view of Hansson and U.S. Patent No. 5,610,973 (Comer). Claims 17, 19, 21, 44, 46 and 48 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Okajima in view of Hansson and U.S. Patent No. 6,493,550 (Raith). Claims 22, 24 and 26 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Okajima in view of Hansson and U.S. Patent No. 6,493,550 (Erekson).

By the present response, Applicants have amended claim 9 to further clarify the invention. Claims 1-54 remain pending in the present application.

35 U.S.C. §103 Rejections

Claims 1-3, 23, 25, 27-30, 49-54 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Okajima in view of Hansson. Applicant respectfully traverses these rejections.

Okajima discloses a radio communication method of communications between two radio stations, where information about the radio communication method with which each radio station is equipped as software is exchanged mutually

between the two radio stations by communicating according to a predetermined first radio communication method. A radio communication method suitable for a communication application to be used for communication of the two radio stations concerned is selected from radio communication methods with which at least one of the two radio stations is equipped as the second radio communication method based on the information about the radio communication method with which each radio station is equipped, software of the second radio communication method is transmitted from a radio station equipped with the second radio communication method to the radio station which is not equipped with the second radio communication method.

Hansson discloses a method and apparatus for downloading software into a remotely located cellular telephone via wireless communication. The cellular telephone includes two memories for storing software with one memory storing the current software and the second memory available for downloading new software. A processor in communication with the cellular telephone via cellular telephone network contains the new software and controls the downloading of the software from the processor into the cellular telephone memory.

Regarding claims 1, 28, 49 and 52, Applicant submits that neither Okajima nor Hansson, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of these claims of, inter alia, providing a first piece of updated data to a first mobile terminal, initiating an inquiry from a first mobile terminal to a second mobile terminal via a communication link, the

inquiry asking the second mobile terminal whether it wishes to receive the first updated piece of data, forwarding a response from the second mobile terminal to the first mobile terminal via the communication link in response to the inquiry from the first mobile terminal, the response acknowledging that it wishes to receive the first updated piece of data, or forwarding a list of updated pieces of data stored in a first mobile terminal from the first mobile terminal to a second mobile terminal. The Examiner asserts that Okajima discloses providing a first piece of updated data to a first mobile terminal in paragraph 19, especially lines 17-20 and paragraph 20. However, these portions of Okajima merely disclose that the radio communication method includes a radio communication method selection means of selecting a second radio communication method as the communication method suitable for the communication application from radio communication methods that are installed in at least one of the radio station and a partner radio station. This portion of Okajima merely discloses selecting a radio communication method. In contrast, the limitations in the claims of the present application relate to providing a first piece of updated data to a first mobile terminal. The selected radio communication method already resides at the radio station, and is not updated data being provided to the radio station.

The Examiner admits that Okajima does not disclose or suggest these limitations in the claims of the present application of initiating an inquiry from a first mobile terminal to a second mobile terminal via a communication link, the inquiry asking the second mobile terminal whether it wishes to receive the first updated

piece of data, or forwarding a response from the second mobile terminal to the first mobile terminal via the communication link in response to the inquiry from the first mobile terminal, the response acknowledging that it wishes to receive the first updated piece of data, but asserts that Hansson discloses these limitations at col. 2, lines 41-55. However, this portion of Hansson merely discloses that an update server processor transmits a message to a cellular telephone offering the option to download the new version of software and that the cellular telephone subscriber can choose to download the new version of the software by following the instructions provided in the message offering to download the new software. This is not initiating an inquiry from a first mobile terminal to a second mobile terminal, as recited in the claims of the present application. Hansson discloses transmitting a message from a server to a cellular telephone. In addition, none of the cited references taken alone or in combination, disclose or suggest forwarding a list of updated pieces of data stored in a first mobile terminal from the first mobile terminal to a second mobile terminal. Neither Okajima nor Hansson disclose or suggest forwarding of a list of updated pieces of data, or anything else, from a first mobile terminal to a second mobile terminal.

Moreover, Applicant asserts that one of ordinary skill in the art would have no motivation to combine Okajima, that relates to two radio stations and exchanging software related to a radio communication method suitable for a communication between the two radio stations, with Hansson, that relates to downloading updated software from a server to a cellular telephone. Okajima relates to radio stations,

whereas in contrast, Hansson relates to a cellular telephone. Further, Okajima discloses transferring of software to be used for communication between two devices, whereas, in contrast, Hansson relates to simply downloading of updated software. These two disclosures relate to two totally different problems and technologies (radio stations versus cell phones) and, therefore, one of ordinary skill in the art would have no motivation to combine these two references in an attempt to achieve the claimed invention.

Regarding claims 2, 3, 23, 25, 27, 29, 30, 50, 51, 53 and 54, Applicant submits that these claims are dependent on one of independent claims 1, 28, 49 and 52 and, therefore, are patentable at least for the same reasons noted regarding these independent claims. For example, Applicant submits that none of the cited references disclose or suggest initiating an inquiry from a second mobile terminal to a third mobile terminal the inquiry asking the third mobile terminal whether it wishes to receive the first updated piece of data, the third mobile terminal forwarding to the second mobile terminal a response acknowledging that it wishes to receive the first piece of data, and forwarding the first updated piece of data from the second mobile terminal to the third mobile terminal via the communication link.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of claims 1-3, 23, 25, 27-30, 49-54 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

Claims 4-15 and 31-42 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Okajima in view of Hansson and Kilp. Applicant respectfully traverses these rejections.

Kilp discloses a communication system that includes a stationary unit, a mobile unit and a proxy server, where the stationary unit is adapted to send and receive messages and the mobile unit is adapted to establish a communication link with the stationary unit, and to send and receive messages. The proxy server is adapted to route messages to one of the stationary unit and the mobile unit based on a status of the communication link between the stationary unit and the mobile unit. Status of the communication link is monitored and a message is received and routed to one of the stationary unit and the mobile unit based on the status of the communication link.

Applicant submits that these claims are dependent on one of independent claims 1 and 28 and, therefore, are patentable at least for the same reasons noted regarding these independent claims. Applicant submits that Kilp does not overcome the substantial defects noted previously regarding Okajima and Hansson. For example, Applicant submits that none of the cited references disclose or suggest the communication link comprising an optical transmission system or an infrared transmission system or a low-power RF transmission system such as a Bluetooth system.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in

the combination of each of claims 4-15 and 31-42 of the present application.

Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

Claims 16, 18, 20, 43, 45 and 47 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Okajima in view of Hansson and Comer. Applicant respectfully traverses these rejections.

Comer discloses an automated interactive customer class identification and contacting system for use in or for a cellular mobile radio-telephone (CMR) system. A mobile telephone provides identification information as it originates a call or registers into the CMR system by powering up or initially entering the area of coverage of a cell. This identification information is monitored by a detection module and predetermined identifying characteristics derived from the identification information identity of the registering mobile radio-telephone as a member of a predetermined class, such as roamers.

Applicant submits that these claims are dependent on one of independent claims 1, 28 and 49 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims. Applicant submits that Comer does not overcome the substantial defects noted previously regarding Okajima and Hansson. For example, Applicant submits that none of the cited references disclose or suggest initiating an inquiry comprising forwarding an inquiry via the communication link upon detection of another mobile terminal being connected to the communication link.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of claims 16, 18, 20, 43, 45 and 47 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

Claims 17, 19, 21, 44, 46 and 48 have been rejected under 35 U.S.C. §103(a) as being over Okajima in view of Hansson and Raith. Applicant respectfully traverses these rejections.

Raith discloses proximity systems in conjunction with radio communication systems. Mobile stations include proximity detectors which recognize proximity signals transmitted by a proximity system. This recognition triggers a search, for example, for a private radio communication control channel. In this way, mobile stations have a mechanism which is independent of public radio communication cell characteristics for recognizing the presence of a private radio communication system.

Applicant submits that these claims are dependent on one of independent claims 1 and 28 and, therefore, are patentable at least for the same reasons noted regarding these independent claims. Applicant submits that Raith does not overcome the substantial defects noted previously regarding Okajima and Hansson. For example, Applicants submit that none of the cited references disclose or suggest initiating an inquiry that includes forwarding an inquiry via the communication link at preset time intervals.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of claims 17, 19, 21, 44, 46 and 48 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

Claims 22, 24 and 26 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Okajima in view of Hansson and Erikson. Applicant respectfully traverses these rejections.

Erikson discloses controlling a remote device over a wireless connection. A handheld computer system having a Bluetooth-enabled is used to control other Bluetooth-enabled devices. A wireless connection between a transceiver and a remote device is established. A position where a stylus makes contact with a surface of an input device of the handheld computer system is registered. The particular position where the stylus element makes contact with the input device is translated into a particular command for controlling the remote device. The command is then transmitted to the remote device over the wireless connection.

Applicant submits that these claims are dependent on independent claim 1 and, therefore, are patentable at least for the same reasons noted regarding this independent claim. Applicant submits that Erikson does not overcome the substantial defects noted previously regarding Okajima and Hansson. For example, Applicant submits that none of the cited references disclose or suggest forwarding a

response that includes automatically forwarding a response upon receipt of the inquiry.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of claims 22, 24 and 26 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

In view of the foregoing amendments and remarks, Applicant submits that claims 1-54 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (referencing attorney docket no. 0171.39626X00).

Respectfully submitted,

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